

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION

MDL No. 1431
(MJD)

This Document Relates to All Actions

Pretrial Order No. 137

Robert R. Hopper, Zimmerman Reed P.L.L.P. for and on behalf of the
Plaintiffs' Steering Committee.

Peter W. Sipkins, Dorsey & Whitney LLP for and on behalf of Bayer
Corporation.

This matter is before the Court upon Defendant Bayer Corporation's
objections to the Letter Rogatory issued by this Court on December 8, 2004. The
parties have submitted letter briefs to the Court concerning said objections, and
based on such briefs, the Court hereby rules as follows:

IT IS HEREBY ORDERED that all copies of the Letters Rogatory issued by
this Court on December 8, 2004 shall be returned to the Court by the Plaintiffs'
Steering Committee. A new, revised Letter Rogatory shall issue with the following
revision: the language "Any responses and/or evidence returned to this court will
be submitted as evidence at trial. The requested evidence is necessary for the
continuance of these proceedings." will be deleted and replaced by the following
language: "Any responses and/or evidence returned to this Court will be reviewed

and considered by the Court for admissibility at trial pursuant to applicable rules of evidence.” The Plaintiffs’ Steering Committee shall prepare and submit revised Letters Rogatory to the Court for signature.

Date: January 5, 2005

s/Michael J. Davis
Michael J. Davis
United States District Court